

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYNTHIA H. CATERSON,

Plaintiff,

vs.

THE LYNNWOOD POLICE  
DEPARTMENT, *et al.*,

Defendants.

No. C04-1571L

ORDER GRANTING IN PART  
DEFENDANTS' MOTIONS IN  
LIMINE

This matter comes before the Court on "Defendants' Motions in Limine." Dkt. # 47. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

(1) Plaintiff does not oppose defendants' motion to the extent it seeks to exclude evidence regarding liability insurance coverage that may be available to defendants in this case. Neither the existence nor the amount of such coverage will be admitted at trial.

(2) Evidence regarding settlement efforts in this matter shall not be admitted at trial.

(3) As a general matter, witnesses and exhibits that were not disclosed during discovery and listed in the parties' pretrial submissions shall not be presented at trial except as needed for rebuttal or impeachment purposes. Defendants' objections to the admission of plaintiff's

ORDER GRANTING IN PART DEFENDANTS'  
MOTIONS IN LIMINE - 1

1 journals and the testimony of Robert Moss are considered elsewhere.

2 (4) Defendants move to strike certain portions of the declaration of Cynthia Caterson  
3 submitted in opposition to defendants' motion for summary judgment because she failed to  
4 produce a copy of her journal during discovery. For the reasons stated in this Court's "Order  
5 Granting in Part Defendants' Motion for Summary Judgment," of even date, the motion is  
6 DENIED.

7 (5) Deputy Chief Manser's credibility will be an issue in this litigation. Defendants  
8 intend to call her as a fact witness, presumably to testify that plaintiff's performance as a  
9 detective and/or a patrol officer was below expectations. The fact that the witness has a  
10 personal relationship with the individual who approved plaintiff's transfer back to patrol will be  
11 relevant to the jury's determination of bias. Although defendants argue that the disclosure of  
12 Deputy Chief Manser's relationship with Chief Jensen will cause undue confusion and/or  
13 unfairly prejudice defendants, the situation is not at all confusing and the probative value of the  
14 evidence outweighs any prejudice that might arise. Defendants' motion in limine regarding the  
15 relationship between Deputy Chief Manser and Chief Jensen is DENIED.

16 (6) Plaintiff does not oppose defendants' motion to exclude opinion testimony from lay  
17 witnesses. Counsel shall make every effort to have their lay witnesses present testimony based  
18 on their personal knowledge of the underlying facts, leaving the jury to draw reasonable  
19 conclusions, such as whether retaliation occurred or how difficult it would be for plaintiff to  
20 shirk her duties.

21 (7) Plaintiff has agreed to make her economic expert, Robert Moss, available for a brief  
22 and limited deposition to discuss the new opinions offered in his revised expert report.  
23 Defendants' motion to exclude his updated damage estimates from trial is DENIED.

24 (8) Plaintiff does not oppose defendants' motion to exclude evidence regarding these  
25 motions in limine or the prior rulings in this case. Except as stipulated by the parties or as  
26 necessary for the instruction of the jury, testimony regarding exclusionary and dispositive  
27

1 motions and the rulings thereon shall not be presented to the jury.

2 (9) Neither party shall refer to the costs, fees, and expenses associated with this litigation.

3 (10) Plaintiff does not oppose defendants' motion to preclude argument encouraging the  
4 jury to imagine themselves in plaintiff's position. Plaintiff shall not, therefore, make such  
5 arguments during trial.

6  
7 For all of the foregoing reasons, defendants' motions in limine are GRANTED in  
8 part and DENIED in part.

9  
10 DATED this 22nd day of November, 2005.

11  
12 

13 Robert S. Lasnik  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27